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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,151	11/05/2003	John L. Manuel	200300161-1	7814

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EXAMINER

SEYE, ABDOU K

ART UNIT	PAPER NUMBER
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2194

MAIL DATE	DELIVERY MODE
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09/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/702,151

Applicant(s)

MANUEL ET AL.

Examiner

Abdou Karim Seye

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 33-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 and 33-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on July 19, 2007 has been received and entered. The amendment amended Claims 8-23 and 31 and cancelled claim 32. The currently pending claims considered below are Claims *1-31 and 33-44*.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-44 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Viswanathan et al. (US 6163806) in view of Groves et al (US 6931105).

Claims 1, 8, 14, 24, 35 and 40, Viswanathan teaches a method, system and product for creating a best-match object at run time, comprising the steps of:

receiving a request for an object (fig. 6, col. 9, lines 42-45; fig. 8A, col. 16, lines 13-20);

polling object proxies (fig. 6, col. 9, lines 45-59; fig. 8A, lines 23-31);

directing the selected proxy to create the object (fig. 6, lines 55-59; fig. 8A, col. 16, lines 38-51);

but, he does not disclose the selected proxy is based on a polled confidence level; and a confidence level representing the capability of each respective proxy to generate the requested object. However, in the same field of endeavor, accessing a database Groves teaches the determination of confidence level of an data object; and selecting a proxy-server address data based on the confidence level and internal goodness of a best match that is determined/created if absent with the caller spoken input in the (abstract; col. 3, lines 14-30; col. 4, lines 1-5 and 36-46). It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Viswanathan's invention with Groves's invention, because it would allow an automatic determination of confidence level and selection of a proxy object based on the level of confidence computed by a system. One would have been motivated to use the level of confidence computed by a system for the selection of proxy object in order to find the best match proxy object to represent a user request for data (Groves, col. 5, lines 1-5).

Claim 2, Viswanathan teaches,

wherein the step of receiving a request for an object comprises receiving indicia of a peripheral device (col. 10, lines 5-8; fig. 7A , col. 11, lines 13-46) .

As per claim 3, it is rejected for the same reasons of 2 above.

Claim 4, Viswanathan teaches a method, system and product for creating a best-match object at run time as in claim, 1, 8, 14, 24, 35 and 40 above but he does not explicitly discloses the step of selecting one of the proxies based on the polled confidence level, wherein the step of selecting one of the proxies comprises comparing each confidence level with a previously received confidence level. However, in the same field of endeavor, accessing a database Groves teaches selecting a proxy based on polled confidence level and internal goodness of best match relative to internet service and a proxy-server(col. 3, lines 14-30; col. 4, lines 36-46); and he further teaches a reference database for previously known information data to be reused (col. 3 , lines 40-57); and comparing confidence level with threshold for properly selecting a proxy call (fig. 2; col. 4, lines 47-67; col. 5, lines 37-45).It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Viswanathan 's invention with Groves's invention, because it would allow to reduce the number of system calls, if call by reference is used to find previously used information data . One would have been motivated to compare level of confidence computed by a system for the selection of proxy object in order to find the best match proxy object to represent the user request

for data and also to improve the recognition confidence of input data (Groves, col. 5, lines 1-5 and lines 29-44; abstract).

Claim 5, Viswanathan does not teach selecting one of the proxies. However Groves teaches, wherein the step of selecting one of the proxies comprises storing an index associated with a proxy having a greater confidence level (col. 3, lines 14-30; col. 4, lines 37-67 and col. 5, lines 1-7). It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Viswanathan's invention with Groves's invention, because it would allow an automatic selection of a proxy object based on the level of confidence computed by a system. One would have been motivated to use the level of confidence computed by a system for the selection of proxy object in order to find the best match proxy object to represent the user request for data (Groves, col. 5, lines 1-5).

Claim 6, Viswanathan teaches,
wherein the step of directing the select one of the proxies to create the object generates a peripheral device driver (col. 9, lines 55-67; col. 11, lines 22-47).

Claim 7, Viswanathan, teaches,
registering a new proxy capable of creating an object designated for use with a new peripheral device (fig. 7A, col. 11, lines 9-19).

As per claims 9-13, they are rejected for the same reasons as the claims above.

As per claims 15-21 and 23, they are rejected for the same reasons as the claims above.

Claim 22, Viswanathan does not teach comparing confidence level. However Groves teaches comparing confidence level, wherein when the comparator fails to recognize a maximum confidence level, the object factory is configured to direct the object proxy associated with the greatest confidence level to create an object (fig. 2, steps 210-220-230). It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Viswanathan's invention with Groves's invention, because it would allow to reduce the number of system calls, if call by reference is used to find previously used information data. One would have been motivated to compare level of confidence computed by a system for the selection of proxy object in order to find the best match proxy object to represent the user request for data and also to improve the recognition confidence of input data (Groves, col. 5, lines 1-5 and lines 29-44; abstract).

As per claims 25-30, they are rejected for the same reasons as the claims above.

As per claims 31-34, they are rejected for the same reasons as the claims above.

As per claims 36-37 and 41-42, they are rejected for the same reasons as claims 2 and 3 above.

As per claims 38 and 43, they are rejected for the same reasons as claim 4 above.

As per claims 39 and 44, they are rejected for the same reasons as claim 5 above.

Response to Arguments

4. Applicant's arguments filed September 11, 2006 have been fully considered but they are not persuasive.

Claim rejection – 35 USC 103:

a. Claims 1 Applicant argues that "Viswanathan fails to teach or suggest a method that includes polling object proxies for a confidence level representing the capability of each respective proxy to generate the requested object and Groves is silent on the matter ". Applicant is reminded that claim 1 rejection is based on Viswanathan and Groves references as a whole; and since Groves teaches the determination of confidence level of an data object; and selecting a proxy-server address data based on the confidence level and internal goodness of a best match that is determined/created if absent with

the caller spoken input in the (abstract; col. 3, lines 14-30; col. 4, lines 1-5 and 36-46). It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Viswanathan's invention with Groves's invention, because it would allow an automatic determination of confidence level and selection of a proxy object based on the level of confidence computed by a system. One would have been motivated to use the level of confidence computed by a system for the selection of proxy object in order to find the best match proxy object to represent a user request for data (Groves, col. 5, lines 1-5). It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of this claimed invention, as well as the context of the passage as taught by the cited art or disclosed by the examiner.

- b. As per Claims 8, 14, 24, 31, 33, 35 and 40, see response to applicant's arguments and rejections above.
- c. As for the remaining claims, see response to applicant's arguments and rejections above.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

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MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300. Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600

AKS
September 13, 2007


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER